

Allowable Subject Matter

This Office Action is in response to applicant's communication of 4/8/2009.

Currently amended claims 1-3, 5-12, 14-20, and 22-26 are pending and in condition for allowance. Claims 4, 13, and 21 are being rejoined. Therefore claims 1-26 are pending and allowed.

Election/Restrictions

Claims 1-3, 5-12, 14-20, and 22-26 are directed to an allowable product.

Pursuant to the procedures set forth in MPEP § 821.04(b), claims 4, 13, and 21 are, directed to a related species of the genus of the allowable product, previously withdrawn from consideration as a result of a restriction requirement, Claims 4, 13, and 21 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. Claims 4, 13, 21 are, directed to the invention(s) of 1-3, 5-12, 14-20, and 22-26 and require all the limitations of an allowable product claim.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, the restriction requirement between the groups, as set forth in the Office action mailed on 9/6/2002 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the

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restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

The claims in this application have been allowed because the prior art of record fails to disclose either singly or in combination the claimed apparatus of with a holder, extension, sleeve, and a double ended needle mated to the extension and the base positioned in the sleeve and the sheath matingly fits to the sleeve to establish an environment which seals the needle of the double ended needle that extends away from the holder from bacteria intrusion.

The closest prior art is NEWBY et al. (U.S. Patent 6,298,541), but fails to disclose the claimed combination where the double ended needle base mated to the extension and positioned within the sleeve and the sleeve and sheath establish an environment which seals the needle from bacteria intrusion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gray whose telephone number is (571)272-7180. The examiner can normally be reached on Monday through Friday, 8:30 a.m. to 4:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phillip Gray/

Examiner, Art Unit 3767

/Kevin C. Sirmons/

Supervisory Patent Examiner, Art Unit 3767